

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

Case No. 1:18-cv-00950-LO-JFA

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

**DECLARATION OF CESIE C. ALVAREZ IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION TO PRECLUDE
EXPERT TESTIMONY BY DR. NICK FEAMSTER**

I, Cesie C. Alvarez, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an associate with the firm of Winston & Strawn LLP, attorneys of record for Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") in this matter. I am a member

of the bar of the State of New York. I have personal knowledge of all facts stated in this declaration, except where facts are stated on information and belief, and as to such facts I believe them to be true. If called upon as a witness, I could and would testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Dr. Nick Feamster's Curriculum Vitae updated as of September 24, 2019.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Cox's expert, Dr. Nick Feamster's Rebuttal Report, dated May 15, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Expert Report of Plaintiffs' Expert Barbara Frederiksen-Cross, served on April 10, 2019.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the May 29, 2019 deposition of Dr. Nick Feamster.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the deposition of MarkMonitor through its 30(b)(6) witness Slawomir Paszkowski, taken on July 2, 2019.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition of Audible Magic through its 30(b)(6) witness Vance Ikezoye, taken on May 6, 2019.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the February 15, 2012 Statement of Work between the RIAA and MarkMonitor, produced by the RIAA as Bates No. RIAA_00000017.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the October 14, 2012 Independent Assessment of MarkMonitor AntiPiracy Methodologies by Stroz Friedberg as Bates No. RIAA_00127769.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the document titled “P2P Enforcement Process” produced by MarkMonitor as Bates No. MM000189.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the deposition of Plaintiffs’ expert Barbara Frederiksen-Cross, taken on June 28, 2019.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the Reply Report of Barbara Frederiksen-Cross, served on June 13, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24 day of September, 2019 in New York, NY.

/s/ Cesie C. Alvarez
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